

**ORDINANCE NO. 2012-048**

Adopted by the Sacramento City Council

November 27, 2012

**AN ORDINANCE AMENDING SECTIONS 2.16.100 AND 2.40.030 OF; REPEALING CHAPTERS 2.48, 2.49 AND 2.50 OF; AND ADDING CHAPTER 2.48 TO THE SACRAMENTO CITY CODE, RELATING TO THE CONSTRUCTION CODE BOARD OF APPEALS; AND REPEALING CHAPTER 2.52 OF THE SACRAMENTO CITY CODE, RELATING TO THE JOINT CITY/COUNTY DISABILITIES APPEAL BOARD**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

**SECTION 1.**

Section 2.16.100 of the Sacramento City Code is amended to read as follows:

**2.16.100 Applicability**

The provisions of Sections 2.16.110 through 2.16.150 of this article shall apply to members of the city council and members of the following boards, commissions, and bodies:

Administration, investment and fiscal management board of the Sacramento city retirement system

Board of plumbing examiners

Civil service board

Construction code board of appeals

Design director

Housing code advisory and appeals board Old

Sacramento variance appeals board Planning

and design commission

Planning director Preservation

commission

Preservation director

Retirement hearing commission

Sacramento city public facilities financing corporation

Sacramento city financing authority

Utilities rate advisory commission

Zoning administrator

## SECTION 2.

Section 2.40.030 of the Sacramento City Code is amended to read as follows:

### 2.40.030 Applicability

The provisions of this article shall apply to persons recommended to the mayor by the personnel and public employees committee as appointees for positions on the city council and the following boards and commissions:

Administration, investment and fiscal management board of the city retirement system

Board of plumbing examiners

Civil service board

Construction code board of appeals Housing code

advisory and appeals board Old Sacramento

variance appeals board Parks and recreation

commission (two seats) Planning and design

commission (four seats) Preservation commission

Retirement hearing commission

Sacramento city public facilities financing corporation

Utilities rate advisory commission

## SECTION 3.

Chapter 2.48 of the Sacramento City Code is repealed.

## SECTION 4.

Chapter 2.48 is added to Title 2 of the Sacramento City Code to read as follows:

## Chapter 2.48 Construction Code Board of Appeals

### 2.48.010 Board established

There is established a construction code board of appeals.

### 2.48.020 Functions

The functions of the board are as follows:

The board shall hear appeals of decisions, orders or determinations of the chief building official relating to application and interpretation of the Sacramento City Building Code, any building standards published in the California Building Standards Code or any other applicable rule or regulation adopted by the California Department of Housing and Community Development including decisions, orders or determinations that concern the use of any material, alternate design or method of construction not specifically prescribed by the California Building Standards Code.

### 2.48.030 Board membership

The board shall consist of five members appointed by the mayor with the approval of the city council.

- A. At least one member shall be a California licensed general building contractor who was a general contractor on more than one construction project in the city during the two years immediately preceding appointment;
- B. At least one member shall be a California licensed architect who has practiced in California for at least three years immediately preceding appointment;
- C. The remaining three members of the board may consist of any combination of the following: California licensed general building contractors as specified in subsection A above; California licensed architects as specified in subsection B above; or any of the following:
  - 1. A California registered structural engineer who has practiced in California for at least three years immediately preceding appointment;
  - 2. A California registered fire protection engineer who has practiced in California for at least three years immediately preceding appointment;
  - 3. A California registered mechanical engineer who has practiced in California for at least three years immediately preceding appointment;
  - 4. A California licensed plumbing contractor who has practiced in California for at least three years immediately preceding appointment;

5. A California licensed mechanical contractor who has practiced in California for at least three years immediately preceding appointment;
6. A California registered electrical engineer who has practiced in California for at least three years immediately preceding appointment;
7. A California licensed electrical contractor who has practiced in California for at least three years immediately preceding appointment.

#### 2.48.040 Term of office

Except as provided in this section for the length of terms of the initial appointees, the term of office for each member of the construction code board of appeals shall be three years. If a member's successor is not appointed upon the expiration of the member's term, the member's term shall continue until the successor is appointed. The successor's term shall be the remaining balance of the new term.

Terms shall be staggered. The initial term of the California licensed general building contractor as specified in Section 2.48.030(A) and California licensed architect as specified in Section 2.48.030(B) shall expire on December 31, 2015. The initial term of the other member shall include two members whose term shall expire on December 31, 2014 and one member whose term shall expire on December 31, 2013 as determined by the City clerk based on the drawing of lots.

If a vacancy occurs during the term of any member, the mayor shall appoint, with the concurrence of the council, a successor to serve during the remainder of the unexpired term for the vacant position.

#### 2.48.050 Conflicts of interest and financial disclosure statements

The provisions of Article III of Chapter 2.16 of this code governing conflicts of interest of board and commission members shall apply to members of the board. In addition, all appointees to the board shall be required to file statements disclosing financial interests pursuant to a conflict of interest code adopted for the board.

#### 2.48.060 Chairperson and organization of the board

The board shall elect a board chairperson and a vice-chairperson for a term of one year. During any absence of the chairperson from a meeting of the board, the vice-chairperson shall be the acting chairperson until the chairperson returns. When there is a vacancy in the office of chairperson or vice chairperson, the board shall fill that office from among its members. Staff support to the board shall be provided by one or more city employees designated by the chief building official.

#### 2.48.070 Board meetings

The board shall hold at least one regular meeting in a calendar year. The meetings shall be noticed and held in accordance with the provisions of the Ralph M. Brown Act

(Government Code section 54950 et seq). The board shall have the authority to notice and hold special meetings in the manner specified by the Ralph M. Brown Act.

#### 2.48.080 Rules and regulations

Subject to the provisions of the City of Sacramento Council Rules of Procedure, the board shall adopt such rules and regulations as it shall deem necessary for the conduct of its business.

#### 2.48.090 Quorum-Voting

The quorum required for the board to conduct business shall be three members one of which shall be a California licensed building contractor and one of which shall be a California licensed architect. The affirmative vote of a majority of the members present and eligible to vote shall be necessary to approve any item.

#### 2.48.100 Compensation

Pursuant to City Charter Section 29, the compensation commission shall establish the compensation members of the board receive for attending board meetings.

#### 2.48.110 General requirements

Unless specifically provided otherwise in this chapter, the general requirements set forth in Chapter 2.40 of this code, governing the appointment of board and commission members, attendance at board and commission meetings, voting, term limits, and removal shall apply to the board. A member is subject to removal for good cause, neglect of duty or misconduct as provided in City Charter Section 232.

### SECTION 5.

Chapter 2.49 of the Sacramento City Code is repealed.

### SECTION 6.

Chapter 2.50 of the Sacramento City Code is repealed.

### SECTION 7.

Chapter 2.52 of the Sacramento City Code is repealed.

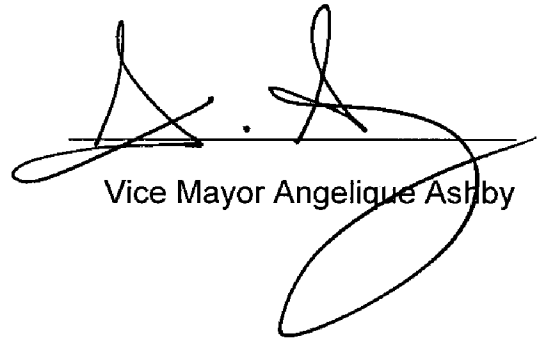
Adopted by the City of Sacramento City Council on November 27, 2012 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Vice Mayor Angelique Ashby

Attest:



Shirley Concolino, City Clerk

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